No. 02-1667

SEP 8 2003

In The Supreme Court of the United States

STATE OF TENNESSEE,

Petitioner,

v.

GEORGE LANE, BEVERLY JONES, and UNITED STATES OF AMERICA,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

JOINT APPENDIX

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July 16, 2002, Opinion and Judgment of the Sixth Circuit Affirming the District Court's Denial of Tennessee's Motion to Dismiss and Remanding for Further Proceedings Consistent with *Popovich v. Cuyohoga County Court of Common Pleas* .....(Petition for Certiorari, App. 10)

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U.S. Court of Appeals for the Sixth Circuit
Civil Docket for Case No. 98-Cv-731

George Lane and Beverly Jones,
Respondents-Appellees

v.

State of Tennessee,
Petitioner-Appellant.

Docket Entries

Date	Proceeding
12/18/98	Civil Cases Docketed. Notice filed by Appellant State of Tennessee. Transcript needed: y ☐ (mcp)
	* * *
2/10/99	NOTICE of case involving a constitutional question when the United States is not a party, filed by S. Elizabeth Martin for Appellant TN. Notice filed pursuant to FRAP 44, challenging the consistutionality [sic] of the Americans With Disabilities Act, 42 U.S.C. Sections 12101 et seq. Certificate of service date 2/9/99 [98-6730] (mcp)
2/11/99	Letter sent to Officer of the Solicitor General, U.S. Department of Justice notifying of a constitutional question. (mcp)
2/16/99	Joint MOTION filed to consolidate for submission the following cases: 97-1751, 97-3587, 97-3933, 98-5765, 98-6701 & 97-6730. . Motion filed by S. Elizabeth Martin for Appellant TN, William J. Brown for Appellees Beverly Jones & Appellee George Lane. [98-6730] (mcp)

* * *

3/1/99 ORDER filed granting in part the motion to consolidate for submission [1884640-1] filed by Mary M. Collier in 98-6701, granting in part motion the [sic] to consolidate for submission [1892321-1] filed by S. Elizabeth Martin, William J. Brown in 98-6730. 98-6475, 98-6701 & 98-6730 are consolidated for submission to the court [98-6475, 98-6701, 98-6730] (mcp)

3/22/99 Intervenor MOTION to allow USA to intervene filed by Seth M. Galanter for Intervenor USA. Certificate of service date 3/19/99. [98-6475, 98-6701, 98-6730] (pje)

* * *

3/31/99 ORDER filed granting motion to intervene filed by Seth M. Galanter; GRANTING motion to file one consolidated brief by 4/7/99 filed by Seth M. Galanter. [98-6475, 98-6701, 98-6730] (pje)

* * *

4/20/99 APPENDIX filed by S. Elizabeth Martin for Appellant TN. Copies: 5. Certificate of service date 4/19/99 [98-6730] (ds)

* * *

4/28/99 FINAL BRIEF filed by William J. Brown for Appellees Beverly Jones, George Lane. Copies: 7. Certificate of service date 4/28/99. Number of Pages: 29. [98-6730] (ds)

5/4/99 FINAL BRIEF filed by S. Elizabeth Martin for Appellant TN. Copies: 7. Certificate of service date 5/3/99. Number of Pages: 65. [98-6730] (teb)

5/4/99 FINAL REPLY BRIEF filed by S. Elizabeth Martin for Appellant TN. Copies: 7 Certificate

of service date 5/3/99. Number of Pages: 25. [98-6730] (teb)

5/7/99 BRIEF filed by Seth M. Galanter for Intervenor USA. Copies: 7. Certificate of service date 5/3/99. Number of Pages: 34. [98-6475, 98-6701, 98-6730] (teb)

* * *

10/7/99 Intervenor MOTION filed to participate at oral argument and share the time allotted with plaintiffs. Motion filed by Seth M. Galanter for Intervenor USA in 98-6730. Certificate of service date 10/6/99. [98-6730] (mcp)

10/19/99 LETTER SENT by mcp granting motion to participate at oral argument and share time allotted to the plaintiffs, [2027506-1] motion filed by Seth M. Galanter for intervenor. [98-6730] (mcp)

* * *

10/21/99 NOTICE OF ADOPTION BY REFERENCE filed by Mary M. Collier for Appellant TN. Appellant adopts by reference the supplemental brief filed on behalf of the "State" in the cases of 98-5765, 97-3933, 97-3587 & 97-1751. Certificate of service date 10/20/99 [98-6730] (mcp)

10/26/99 CAUSE ARGUED on 10/26/99 by Seth M. Galanter for Intervenor USA in 98-6730, William J. Brown for Appellee Beverly Jones, Appellee George Lane in 98-6730, Mary M. Collier for Appellant TN in 98-6730 before Judges Martin, Suhrheinrich, Siler. [98-6730] (me)

1/31/00 Intervenor LETTER filed. Requesting that this court not order any supplemental briefing

until after the Supreme Court has issued its decision in Alsbrook and Dickson. [98-6730]. Letter from Seth M. Galanter for Intervenor USA in 98-6730. Certificate of service date 1/27/00 [98-6730] (mcp)

3/8/00 ADDITIONAL CITATION filed by Seth M. Galanter for Intervenor USA. Certificate of service date 3/7/00 [98-6701, 98-6730] (pje)

4/13/00 ADDITIONAL CITATION filed by Mary M. Collier for Appellant Middle TN St Univ in 98-6701, Mary M. Collier for Appellant TN in 98-6730. Certificate of service date 4/12/00 [98-6701, 98-6730] (mcp)

4/28/00 ORDER filed to hold case in abeyance pending Supreme Court disposition of Garrett [97-1751, 97-3587, 97-3933, 98-5765, 98-6701, 98-6730] Chief Judge Boyce F. Martin, Richard F. Suhrheinrich, Eugene E. Siler, Circuit Judges. (ert)

7/16/02 Per Curiam OPINION filed: AFFIRM the district court's denial of Tennessee's motion to dismiss and REMAND this case for further proceedings, decision not for publication pursuant to local rule 28(g). [98-6730] Boyce F. Martin, Chief Judge, Richard F. Suhrheinrich, Circuit Judge, Eugene E. Siler, Circuit Judge. (mcp)

* * *

8/29/02 PETITION for rehearing before original panel filed by S. Elizabeth Martin for Appellant TN. Certificate of service date 8/28/02. [98-6730] (mcp)

9/20/02 ORDER filed granting petition for rehearing before original panel [2607974-1] filed by S. Elizabeth Martin [98-6730]. The opinion and

judgment of 7/16/02 are hereby withdrawn, and the case is restored to the court's active docket. The parties are further instructed to file briefs not in excess of 25 pages addressing the issue as outlined in the petition for rehearing, with each side's brief to be filed not later than close of business on Wednesday, October 23, 2002. Upon the filing of the briefs the court will proceed to dispose of the case. [98-6730]. Boyce F. Martin, Chief Judge, Richard F. Suhrheinrich, Eugene E. Siler, Circuit Judges. (yh)

* * *

10/23/02 Supplemental brief on panel rehearing filed by S. Elizabeth Martin and Mary M. Collier for Appellant TN. Copies: 7. Certificate of service date 10/22/02. Number of Pages: [98-6730] (mcp)

10/23/02 Supplemental brief on panel rehearing filed by William J. Brown for Appellees Beverly Jones, George Lane. Copies: 7 Certificate of service date 10/22/02. Number of Pages: 38. [98-6730] (mcp)

* * *

11/7/02 Supplemental brief on panel rehearing filed by Sarah E. Harrington for Intervenor USA. Copies: 7. Certificate of service date 11/6/02. Number of Pages: 20. [98-6730] (mcp)

11/7/02 MOTION CAUSE SUBMITTED on briefs to panel consisting of Judges Martin, Suhrheinrich, Siler [98-6730] (max)

1/10/03 AMENDED OPINION filed: AFFIRM the decision of the district court and REMAND for further proceedings consistent with the opinion of this court. Decision for publication pursuant to local rule 206 [98-6730]. Boyce F. Martin, Authoring Circuit Judge, Richard F.

Suhrheinrich, Circuit Judge, Eugene E. Siler, Circuit Judge. (jmb)

1/10/03 AMENDED JUDGMENT: the district court's denial of defendant State of Tennesssee's motion to dismiss is AFFIRMED, and the case is REMANDED for further proceedings consistent with the opinion of this court. (jmb)

1/16/03 Appellant MOTION filed to stay issuance of the mandate pending the filing of a petition for writ of certiorari. Motion filed by S. Elizabeth Martin for Appellant TN. Certificate of service date 1/15/03 [98-6730] (mcp)

1/28/03 ORDER filed granting motion to stay mandate [2678422-1] filed by S. Elizabeth Martin. The mandate shall be stayed as set forth in 6 Cir. Rule 41(c). [98-6730] Boyce F. Martin, Chief Judge, Richard F. Suhrheinrich, Circuit [sic] Eugene E. Siler, Circuit Judge. (mcp)

3/4/03 U.S. Supreme Court letter filed: extension of time within which to file a petition for a writ of certiorari granted to and including 05-12-03 [2703515-1]. [98-6730] (swh)

5/19/03 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellant TN. Filed in the Supreme Court on 05-12-03, Supreme Ct. case number: 02-1667. [98-6730] (swh)

6/27/03 U.S. Supreme Court letter filed: GRANTING petition for writ of certiorari limited to Question 1 presented by the petition [2747105-1] filed by TN [98-6730]. Filed in the Supreme Court on 06-23-03. (swh)

U.S. District Court Middle District of Tennessee (Nashville)
Civil Docket for Case No. 98-Cv-731

George Lane and Beverly Jones, Plaintiffs

v.

State of Tennessee, et. al. Defendants.

Docket Entries

Date	No.	Proceedings
8/10/98	1	COMPLAINT (Summons(es) issued) Filing fee paid in the amount of: $150.00 Receipt # 64591 (bbj) [Entry date 08/18/98]
		* * *
10/5/98	36	MOTION by deft State of Tennessee to dismiss (tlc)
10/5/98	37	MEMORANDUM by deft State of Tennessee in support of motion to dismiss [36-1] (tlc)
		* * *
10/9/98	40	COMPLAINT – CLASS ACTION [1-1] by pltfs (tlc) [Entry date 10/13/98]
		* * *
11/6/98	61	RESPONSE by pltf to motion to dismiss [36-1] (tlc) [Entry date 11/09/98]
11/10/98	62	ORDER by Judge Thomas A. Higgins denying deft State of TN's motion to dismiss [36-1] (cc: all counsel) (EOD 11/12/98) (tlc) [Entry date 11/12/98]

* * *

11/25/98 71 MOTION by deft Tennessee State of to extend time to 12/7/98 to answer (tlc) [Entry date 11/30/98]

11/30/98 72 ORDER by Judge Thomas A. Higgins granting deft State of TN's motion to extend time to close of business on 12/7/98 to answer complaint [71-1] (cc: all counsel) (EOD 12/1/98) (tlc) [Entry date 12/01/98]

12/2/98 73 NOTICE OF APPEAL by deft Tennessee State of from Dist. Court decision [62-1] (mg) [Entry date 12/03/98]

* * *

12/7/98 75 MOTION by deft State of Tennessee to stay pending appeal and memorandum of law in support thereof (mg) [Entry date 12/08/98]

* * *

12/17/98 78 RESPONSE by pltfs to motion to stay pending appeal [75-1] with Exh A attached (mg) [Entry date 12/18/98]

12/17/98 79 MOTION by pltfs for class certification (mg) [Entry date 12/18/98]

12/17/98 80 RESPONSE by deft State of TN to motion to stay pending appeal [75-1] (mg) [Entry date 12/18/98]

12/17/98 81 MOTION by Dennis Cantrel, Ann Marie Zappola and Ralph E. Ramsey, Sr. for joinder in complaint (mg) [Entry date 12/18/98]

* * *

12/29/98 87 ORDER by Judge Thomas A. Higgins granting motion to stay pending appeal [75-1] (cc: all counsel) EOD 12/29/98 (mg)

12/29/98 88 ORDER by Judge Thomas A. Higgins denying as moot motion for class certification [79-1] pending the outcome of the state's appeal. (cc: all counsel) EOD 12/29/98 (mg)

12/29/98 89 ORDER by Judge Thomas A. Higgins denying as moot motion for joinder in complaint [81-1] pending the outcome of the State's appeal (EOD 12/29/98) (cc: all counsel) (mg)

2/22/99 90 MOTION by pltfs Dennis Cantrel, Ann Marie Zappola, Ralph E. Ramsey to reconsider denial of motion for permissive joinder (mg) [Entry date 02/23/99]

3/26/99 91 ORDER by Judge Thomas A. Higgins granting motion to reconsider denial of motion for permissive joinder [90-1] vacating [89-1] order granting motion for joinder in complaint [81-1] (cc: all counsel) EOD 3/29/99 (mg) [Entry date 03/29/99]

* * *

7/7/03 108 ORDER by Judge Todd J. Campbell: Motion to reimpose the stay for all proceedings in this case [106-1] is granted in part and denied in part. The case is stayed as to the State of TN due to the interlocutory appeal before the Supreme Court. The parties have failed to carry their burden for a stay, and further delay in this nearly five year old case, as to the other defts. Accordingly, the motion for a stay as to all the County Defts is denied. Pursuant to FRCP,

all claims against State of TN are severed and shall be proceeded with separately. A separate trial as to the State of TN will be set by separate Order at the conclusion of the appeal before the Supreme Court. Case Management Conference set for 1:00 on 7/18/03; Jury trial set for 9:00 on 3/9/04; pretrial conference set 9:00 on 3/1/04. (EOD 7/7/03) (cc: all counsel) (km)

* * *

7/18/03 110 MOTION by A. Russell Larson for permissive joinder & complaint (vm)

7/22/03 111 ORDER by Magistrate Judge Juliet E. Griffin: A Case Management Conference was held 7/18/03; Discovery deadline 1/15/04; Dispositive motion filing deadline 11/10/03; any response to any dispositive motion shall be filed by 12/10/03; pltfs' motion for permissive joinder & complaint [110-1] is granted; the Clerk is directed to add A. Russell Larson as a pltf in this case; defts shall have until 7/23/03 to file any motion related to the stay or the trial date; pltfs shall have until 9/19/03 to file a renewed motion for class certification; defts shall have until 10/19/03 to file a response to the motion; the Clerk is directed to forward the file in this case to Judge Campbell for his consideration of the pltfs' motion to reconsider [109-1]; Terminating case referral to Magistrate Judge Juliet E. Griffin. (cc: all counsel) EOD 7/22/03 (vm)

* * *